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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,780	12/17/2001	Peter Pal Boda	04770.00027	4424

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BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER	
TRAN, TUAN A	

ART UNIT	PAPER NUMBER
2682	15

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/015,780	BODA ET AL.	
	Examiner	Art Unit	
	Tuan A Tran	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 2-55 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 2-55 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 2-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (5,991,737) in view of Yuen (5,812,931).

Regarding claims 2, 5, 16-17, 24-25 and 51, Chen discloses a call server 22, comprising: a processor 36; memory 34 for storing data comprising a database that correlates information identifying a plurality of broadcast program to information for contacting each of the plurality of broadcast programs (See fig. 2 and col. 4 lines 41-60) and a mobile device 24, inherently comprising a processor. Both of the call server 22 and the mobile device 24 inherently comprise computer readable instructions that, when executed by the processor 36 of the call server and the processor of the mobile device 24, cause the call server 22 and the mobile device 24 to perform a method for establishing a wireless telephony connection (See fig. 1), comprising the steps of: receiving from the mobile device 24 a first request to establish a connection, the first request comprising a current condition of a dynamic variable wherein the dynamic variable represents a current broadcast channel to which the mobile device is tuned and additional information about the request (See figs. 1-2 and col. 3 lines 21-43, col. 5 lines

1-15); querying the database based on the dynamic variable to retrieve information for contacting a broadcast program corresponding to the dynamic variable (See figs. 1-2 and col. 5 lines 8-16); performing hand-shaking (the call server 22 communicates with the broadcasting devices 12, 14 with additional consumer's information in order to fulfill the consumer's request or order and further provide acknowledgement to the consumer) with a device 12, 14 associated with the broadcast program (See figs. 1-2 and col. 4 lines 24-29); and establishing a connection between the mobile device 24 and the device 12, 14 associated with the broadcast program (See figs. 1-2 and col. 3 lines 11-16, col. 3 line 65 to col. 4 line 8). However, Chen does not explicitly mention the steps of sending a connection request with additional information to the device associated with the broadcast program and receiving a connection response from the device associated with the broadcast program, and the connection between the mobile device and the device associated with the broadcast program is a two-way wireless connection. Yuen teaches a two-way interactive television system wherein a two-way wireless connection is established between an end user (electronic device with capability of interactive communications) and a broadcast station (See figs. 1-3 and col. 2 line 65 to col. 3 line 7, col. 3 line 61 to col. 4 line 22). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the Yuen's teaching in modifying the Chen's system particularly the connection between the mobile device and the device associated with the broadcast program by configuring the consumer's device with the capability of interactive communication for the advantage of allowing the user to access new information via the established interactive link as well

as eliminating a need of creating a new RF link between the user and the broadcast center. Further, since Chen discloses the hand-shaking process between the call server and the device associated with the broadcast program, therefore it would be obvious to establish the steps of sending request and receiving response (automatically or manually) between the call server and the device associated with the broadcast program in order to enhance the effectiveness of information exchange between the call server and the device associated with the broadcast program as well as allowing the call server to provide the consumer the status (denial or acceptance) of the request or order.

Claims 9-10, 33 and 45 are rejected for the same reasons as set forth in claims 2 and 5, as method.

Regarding claims 3-4, Chen & Yuen disclose as cited in claim 2. Chen further discloses the contact information comprises a telephone number (See col. 3 lines 35-38). However, Chen & Yuen do not mention that the access information comprises a URL and the connection between the mobile device and the device associated with the broadcast program is a telephony connection or a data network connection. Since Chen discloses the call server 22 can receive a request from the mobile device through World Wide Web (See col. 4 line 66 to col. 5 line 7) and IP address is well known in the art, therefore it would be obvious to have the access information included the URL in order to exchange information properly. Also, since Chen discloses the device 12, 14 associated with the broadcast program transmits broadcasts to the mobile device 24 in receivable forms (See col. 3 lines 11-16, col. 4 lines 1-8) and telephony and data

network connections are well known in the art for transferring information, therefore it would have been obvious to use telephony or data network connections in order to expand the capability of the system to various types of spectrum.

Claim 11 and 46-47 are rejected for the same reasons as set forth in claims 3-4, as method.

Claims 19 and 27 are rejected for the same reasons as set forth in claim 3.

Regarding claims 6 and 54, Chen & Yuen disclose as cited in claim 2. The connection response inherently comprises a delay time defined by the device associated with the broadcast program and the computer readable instructions further inherently comprises the step of waiting for the delay time before performing the step of establishing a connection between the mobile device and the device associated with the broadcast program in order to allow the receiving end (the device associated with the broadcast program) sufficient time to process and execute the request properly.

Regarding claim 7, Chen & Yuen disclose as cited in claim 2. Chen further discloses the step of receiving from a mobile device 24 as first request as text message (See col. 4 line 66 to col. 5 line 7).

Claims 23 and 31 are rejected for the same reasons as set forth in claim 7

Claim 15 is rejected for the same reasons as set forth in claim 7, as method.

Regarding claim 8, Chen & Yuen disclose as cited in claim 7. However, Chen & Yuen do not mention that the request is a SMS message. Since SMS message is well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to send a request as a SMS message for the

advantage of enhancing the application of the system comprising the mobile device and the call server.

Claims 32 and 35 are rejected for the same reasons as set forth in claim 8.

Claim 34 is rejected for the same reasons as set forth in claim 8, as method.

Regarding claims 12-13, Chen & Yuen disclose as cited in claim 10. Chen further discloses the current broadcast comprises an advertisement or a call-in program (See col. 3 lines 28-43, col. 4 lines 50-54).

Claims 20-21 and 28-29 are rejected for the same reasons as set forth in claims 12-13.

Regarding claim 14, Chen & Yuen disclose as cited in claim 9. Chen further discloses the step of receiving from the mobile device 24 a first request comprises a verbal command (See col. 4 lines 63-66, col. 6 lines 3-6).

Claims 22 and 30 are rejected for the same reasons as set forth in claim 14.

Regarding claims 18, 26, 52 and 55, Chen & Yuen disclose as cited in claims 2, 16 and 24. However, they not mention the step of receiving connection information to establish a connection between the mobile device and the device associated with broadcast program or a rejection message when the request is rejected. Since Chen discloses the call server 22 sends feedback, acknowledgement, or a request for additional information to the mobile device 24 (See col. 4 lines 18-24), therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the step of receiving connection information to establish a connection

or receiving a rejection message when the request is rejected for the advantage of alerting the users about the situation so they can have appropriate actions taken.

Regarding claims 36-44, Chen & Yuen disclose as cited in claims 2, 16 and 24. Chen further discloses the additional information comprises user information corresponding to a user of the mobile terminal or a summary of an intended discussion topic or location information (See col. 5 lines 1-15).

Claims 48-50 are rejected for the same reasons as set forth in claims 36-44, as method.

Regarding claim 53, Chen & Yuen disclose as cited in claim 2. However, they do not mention the step of existing the connection between the mobile device and the device associated with the broadcast program. The step of existing the connection is a common sense step, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included this step for the advantage of reducing workload for the call server as well as saving spectrum for the call server to perform other operational tasks.

Response to Arguments

Applicant's arguments filed 04/21/2004 have been fully considered but they are not persuasive.

a. The Applicant argued that neither Chen nor Yuen alone or in combination discloses or suggest the steps of sending a connection request to the device associated with the broadcast program and receiving a connection response from the device

associated with the broadcast program, and the connection between the mobile device and the device associated with the broadcast program is a two-way wireless communication (See Remark, pages 12-15). In response to the Applicant's arguments, the difference between Chen and the claimed subject matters is that Chen does not explicitly mention the steps of sending a connection request with additional information to the device associated with the broadcast program and receiving a connection response from the device associated with the broadcast program, and the connection between the mobile device and the device associated with the broadcast program is a two-way wireless connection. However, since Chen does suggest that the call server 22 communicates with the broadcasting devices 12, 14 with additional consumer's information in order to fulfill the consumer's request or order and further provide acknowledgement to the consumer (hand-shaking process) (See col. 4 lines 18-32 and col. 5 lines 1-15) and Yuen teaches a two-way interactive television system wherein a two-way wireless connection is established between an end user (electronic devices with capability of interactive communications) and a broadcast station (See figs. 1-3 and col. 2 line 65 to col. 3 line 7, col. 3 line 61 to col. 4 line 22); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the Yuen's teaching in modifying the Chen's system particularly the connection between the mobile device and the device associated with the broadcast program by configuring the consumer's device with the capability of interactive communication for the advantage of allowing the user to access new information via the established interactive link as well as enhancing the effectiveness of information exchange between

the call server and the device associated with the broadcast program in order to allow the call server to provide the consumer the status (denial or acceptance) of the request or order. For that reasons, the Examiner respectfully disagrees with the Applicant's arguments and remains the rejections for all pending claims.

b. The Applicant argued that neither Chen nor Yuen discloses or suggests the mobile device capable of establishing two-way telephony or voice communication (See Remark, page 15 third paragraph). The Examiner respectfully disagrees with the Applicant's argument because Chen does disclose the transmitting broadcasts in receivable forms (telephony is a receivable form) and the consumer's device is capable of conducting two-way telephony or voice communication (See col. 3 lines 17-25, col. 6 lines 7-8).

c. The Applicant argued that the delay time is not inherent (See Remark, page 16, second paragraph). The Examiner respectfully disagrees with the Applicant's argument because system (hardware) always has a define delay for executing instruction.

d. The Applicant argued that the connection between a device and a broadcast program would typically exited by either the mobile device or the broadcast program rather than the call server and that is not a common step (See Remark, page 16 last paragraph). In response to the Applicant's argument, the call server exiting (hang up) after the connection between the mobile device and the broadcast program has been established is a common sense step as cited by the examiner and different

with the call server, rather than the mobile device and the broadcast program, disconnect the connection between them as the applicant argued.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(703) 605-4255**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached at **(703) 308-6739**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Tuan Tran

AU 2682

VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600